

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
(Western Division)

THE PROCTER & GAMBLE COMPANY,)	
)	Civil Action No.: C-1-03-433
Plaintiff,)	
)	Judge Thomas M. Rose
v.)	
)	
ORACEUTICAL LLC, et al.)	
)	
Defendants.)	
_____)	
BRITESMILE DEVELOPMENT INC.,)	Civil Action No.: C-3-05-172
)	
Plaintiff,)	Judge Thomas M. Rose
)	
v.)	
)	
THE PROCTER & GAMBLE COMPANY,)	
)	
Defendant.)	

STIPULATION OF DISMISSAL

The parties hereto, to-wit The Procter & Gamble Company and Oraceutical LLC, Idex Dental Sciences, Inc., Robert E. Montgomery, BriteSmile, Inc. and BriteSmile Development, Inc. have agreed to a compromise and settlement of these Civil Actions and all claims, defenses and counterclaims that were or could have been brought in these Civil Actions. They stipulate, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, as follows:

1. These Civil Actions are hereby dismissed with prejudice, except that P&G's claims and defenses of invalidity and unenforceability are hereby dismissed without prejudice.
2. Each party shall bear its own costs and attorneys' fees.

STIPULATED AND AGREED TO:

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